

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH, :
: Plaintiff, :
: :
v. : Civil Action No. 06-222-JJF
: :
IMPAK LABORATORIES, INC., :
: :
Defendant. :
:

O R D E R

At Wilmington, this 13 day of December 2007, for the
reasons discussed in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that the following terms and/or phrases
in U.S. Patent Nos. 6,274,171 B1, 6,419,958 B2 and 6,403,120 B2
are assigned the following meanings:

1. The meaning of the phrase "**extended release formulation**" is "a formulation, other than a hydrogel tablet, which releases the active ingredient at a slower rate than the immediate release formulation of the active ingredient such that the dosing frequency is once-a-day rather than the plural daily dosing for the immediate release formulation."

2. The meaning of the phrase "**diminished incidences of nausea and emesis**" is "the degree and/or frequency of nausea and emesis from the extended release formulation administered once-a-day is less than what would be experienced by patients receiving the same total daily dose of an immediate release formulation

3. The meaning of the phrase "a method for eliminating the troughs and peaks of drug concentration in a patient's blood plasma" is:

A method in which the extended release formulation is administered once in a 24-hour period, resulting in a venlafaxine blood plasma concentration that rises to a maximum value, followed by a generally protracted decrease over the remaining period while maintaining during that 24-hour period levels of venlafaxine in blood plasma that are sufficient to provide, during the course of treatment, relief from the condition being treated, thereby eliminating the multiple sharp peaks and troughs resulting from multiple daily dosing of the same total daily dose of the immediate release formulation as reflected in a graph of venlafaxine blood plasma concentration versus time.



UNITED STATES DISTRICT JUDGE